

**Policy Name:** Recusal Policy  
**Policy Number:** 2018 POL-BD-12  
**Effective Date:** December 8, 2010, as amended September 12, 2018  
**Reviewed Date:** January 9, 2018  
**Applies To:** SERS Board Members and Designees  
**Contact Person:** SERS Legal Office

### **Policy**

For the Board's protection, this policy provides a refresher on some of the salient points arising out of the State Ethics Act<sup>1</sup>, the Governor's Code of Conduct<sup>2</sup>, SERS' Bylaws<sup>3</sup> and the Board's Ethical Conduct Policy<sup>4</sup>.

Any recusal (abstention) from a vote by a Board member or designee must be:

- Made prior to any discussion on the matter; and
- Announced verbally, along with the reason for the recusal, during the public Session of any Board or committee meeting; and
- Also be provided in writing (we would greatly appreciate receiving your signed recusal form prior to your departure at the close of the Board or committee meeting).

To avoid any appearances of impropriety or potential entanglements with the State Ethics Commission or other bodies, it is urged that these points be kept in mind during Board and committee meetings. Also, please bear in mind that recusal on an issue means that the Board member (and his or her designee, if any) is precluded by law not only from voting on, but also from participating in any of the discussions regarding, that issue. This prohibition is expressly contained in the Governor's Code of Conduct, as incorporated into the Board's Ethical Conduct Policy, which provides in pertinent part that a Board member or designee who has a conflict of interest "may not ... participate in the negotiation of or decision to award contracts ... "

<sup>1</sup> 65 Pa.C.S.A. §1103(j).

<sup>2</sup> 4 Pa Code §7.151

<sup>3</sup> Section 2.9

<sup>4</sup> 2018 POL-BD-11

**Document Properties**

- a. **Document Owner:** Executive Office
- b. **Document Author:** Samuel Yun, Chief Counsel
- c. **Summary of Changes:** Assigned New Policy Number and Revised Policy Number for the referenced Ethical Conduct Policy

Date	Version	Author	Summary
November 10, 2015		Barbara Kiral	Assigned New Policy Number
January 9, 2018		Chris Houston	Assigned New Policy Number to replace policy #2010 POL-EO-07, established December 8, 2010 and Revised Policy Number for the referenced Ethical Conduct Policy